

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2952 of 1985

with

SPECIAL CIVIL APPLICATION No 3418 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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M V PATEL

Versus

STATE OF GUJARAT

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Appearance:

(In both SCAs)

MR MK MAJMUDAR for Petitioners

MS SIDDHI TALATI for Respondents

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 29/09/97

ORAL JUDGMENT

Heard learned counsel for the parties.

2. Challenge has been made by the petitioners in these Special Civil Applications to the order of the respondents under which the stepping up of the pay given to the petitioners has been cancelled and further the excess amount paid to them was sought to be recovered.

3. The learned counsel for the petitioners contended that these orders have civil consequences, i.e. of reduction of pay of the petitioners as well as recovery of the excess amount paid to them and even if these orders are taken to be administrative ones, still the principles of natural justice have to be complied with before making of the same. These orders have been passed by respondents without giving any notice or opportunity of hearing to the petitioners. The respondents have not filed reply to these Special Civil Applications and their counsel is also unable to say whether any notice or opportunity of hearing has been given to the petitioners before the impugned orders in this Special Civil Applications have been passed of cancellation of order of stepping up of the pay of petitioners and recovery of excess amount paid. On this short ground, both these Special Civil Applications deserve acceptance and accordingly the same are allowed. The order annexure 'F' dated 2.4.85 impugned in the Special Civil Application No.2952 of 1985 and the order annexure 'H' dated 6.4.96 impugned in Special Civil Application No.3418 of 1985 are quashed and set aside. Rule made absolute. No order as to costs.

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(sunil)